IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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WRIT PETITION NO : 6594 of 2004

Between:

Dr. B.Syam Mohan David Raju S/o. B.Samuel
I.A.S.E, S.V.University, Tirupathi R/o. Tirupathi, Chittoor District. **..... PETITIONER**

AND

1 The Union of India Rep. by its Secretary,
Ministry of Human Resources Development (MHRD),

Department of Elementary Education and Literacy
Sastry Bhavan, New Delhi -110001.
2 The Government of A.P., rep. by its Prinicpal Secretary,
School Education Department, Secretariat, Hyderabad.
3 Sri Venkateswara University, Tirupathi, Chittoor District,

Rep. by its Registrar. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd Respondent in appointing the petitioner on contract basis against the sanctioned post in the Institute of Advanced Studies in Education (IASE) as arbitrary, illegal and contrary to the guidelines issued by the Government of India (R-1) in Lr.No.45-1/96-NS.II Dt.29-3-196 and consequently direct the respondents to treat the petitioner as a permanent employee in IASE of S.V. University and extend all the benefits to the petitioner on part with the regular employees of S.V. University from the date of his initial appointment and to pay to the petitioner the difference of salary, grant annual increments, and such other benefits applicable to the regular employees and with all other consequential benefits, monetary and otherwise.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondent No.1: Smt.R.Raghavamma

Counsel for the Respondent No.2: GP FOR SCHOOL EDUCATION
Counsel for the Respondent No.3: MR.P.SREE RAMULU NAIDU

The Court made the following:

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ORDER:

Heard Sri V.Jagapathi, learned Counsel for the petitioner, Smt.R.Raghavamma, learned Standing Counsel appearing for the first respondent, and the learned Government Pleader appearing for the second respondent.

It is represented by the learned Counsel on either side that the question involved in this writ petition is squarely covered by a decision of this Court in W.P.No.27206 of 2003, dated 19-12-2004, whereunder a direction was given to the respondents to consider the case of the petitioner for re-engagement, in case the scheme of IASE is being continued till the end of the X plan period as was sanctioned by the Central Government and if the funds are made available to the university. The said judgment was also confirmed by a Division Bench of this Court in WA.No.126 of 2005, dated 7-2-2005.

Following the same, this writ petition is also allowed with similar such direction. There shall be no order as to costs.

04-04-2005

LUR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the acting Chief Justice on this

Monday, the fourth day of April, Two thousand and five.

REGISTRAR

To

1 The Secretary, Union of India,
Ministry of Human Resources Development (MHRD),

Department of Elementary Education and Literacy
Sastry Bhavan, New Delhi -110001.
2 The Principal Secretary, Government of A.P.,
School Education Department, Secretariat, Hyderabad.
3 The Registrar, Sri Venkateswara University, Tirupathi,

Chittoor District.

4 2 CCs to Government Pleader for School Education,

High Court Buildings, Hyderabad. (OUT)

5 2 CD copies

6 1 CC to MR.JAGAPATHI, learned Counsel for the petitioner.

7 1 CC to SMT.RAGHAVAMMA, learned Counsel for the first respondent.